



# NEW YORK UNIVERSITY

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Office of the Assistant to the President  
for Student Affairs

Copy for the information of

*Deck*

October 12, 1966

James E. Stanton, Esq.  
Miller, Montgomery & Spalding  
One Wall Street  
New York 10005

Dear Jim:

Your recent forwarding of our "Opposition to Petition for Reconsideration" and prior to that my reading of the Fairleigh Dickinson petition brings to focus a viewpoint about these legal proceedings which, if expressed in lay language, might conceivably be of service to you.

There is something very unrealistic about the Fairleigh Dickinson argument which tries to equate two dissimilar situations and, further, to utilize the formalities of the legal process as a screen to conceal the differences. Legal form may require blindfolded justice to hold a boulder in one hand and a pebble in the other and to rule that these are two masses, but I find it hard to believe that -- in equity at least -- such is the question being asked. If the legal form, and a Federal Communications Commission ruling under it, is that such an answer must be given, it occurs to me that a great injustice will have been done.

The boulder and the pebble, of course, refer to the facts of the situation. The original Fairleigh Dickinson petition contained a technical, engineering error of considerable dimension -- one that might have been avoided, I presume, had those involved studied the

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record of what had already transpired with regard to our petition. I remind you that we had already been through the same procedure. In other words, we were an entire chapter ahead of Fairleigh Dickinson. Our amended petition did not include a signature which was not, according to the forms used, requested. How can these two be labeled equal?

Our students feel that the Fairleigh Dickinson equipment and programming is not faithfully represented in the original petition. I have suggested that they go openly and ask to be shown the full operation. At the same time, I have insisted that they continue to develop our own programming to a high level of content and attractiveness. As you may know, we have already received the transmitter.

Yours very sincerely,

Harold B. Whiteman, Jr.

cc: Mr. Jonathan Nelson  
Mr. Richard Robins ✓

HBW:tf